

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MARCH 6, 2007 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT THE CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON MARCH 6, 2007 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, Carter, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Waddell.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Byrd, Carter, Moore, Poff, Simmons, and Vanhoozier. ABSENT: Booth.

MAYOR BALLENGEE stated there was a quorum present of Council Members and Planning Commission Members.

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN STIPES.

MAYOR BALLENGEE welcomed Mike Byrd to his first Town Council meeting serving on the Planning Commission.

PUBLIC HEARING

1. Council's intention to adopt an ordinance vacating 15-foot public utility and drainage easements on Yellow Sulphur Road between tax parcels 467 – ((17)) – 1 and 2. Town Manager Terpenny explained that the Town subdivided this property several years ago into several small lots. At the time the lots were created, the existing easements were required by the Town. The Town and the owner of the property don't need the easements; however, Verizon does have utilities located in some of the easements and does not want to relinquish its interest in the easements.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Dennis and Vanessa Bartley for residential use on Shaffer Drive (a 0.23 acre portion of tax parcel 497 – ((A)) – 229; Lot 2 in the recently approved "Plat Showing Subdivision of Lot 4 "Harry Schaeffer's Lots", unrecorded for Robert Wayne and Pamela R. Miller") in the B-3 General Business District. Mr. David Moore, along with Mr. Doug Lewis, asked Council for a more detailed explanation of this request. Town Manager Terpenny explained that the applicant plans to build one single-family residence on the property. The surrounding property is predominantly single-family residential.

REGULAR MEETING

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of February 20, 2007. There being none the Minutes were approved as presented.

MAYOR BALLENGEE closed the Joint Public Hearing and the Planning Commission withdrew to consider the request and to make its recommendation.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

PLANNING COMMISSION'S RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST:

1. A Conditional Use Permit request by Dennis and Vanessa Bartley for residential use on Shaffer Drive (a 0.23 acre portion of tax parcel 497 – ((A)) – 229; Lot 2 in the recently approved "Plat Showing Subdivision of Lot 4 "Harry Schaeffer's Lots", unrecorded for Robert Wayne and Pamela R. Miller") in the B-3 General Business District. At Chairperson Simmons' request, Town Manager Terpenny read the Planning Commission resolution recommending

Town Council issue the Conditional Use Permit with one condition. A copy of the resolution and one condition is attached herewith and made a part of these minutes.

CARINA RUTHLANDT OF NEW RIVER COMMUNITY ACTION TO ADDRESS COUNCIL – Ms. Ruthlandt of the New River Community Action thanked Council for its past support of the Homeless Intervention Program, and asked Council to consider continuing its financial support in the upcoming 2007-2008 fiscal year budget. Ms. Ruthlandt said the Homeless Intervention Program has served five families, consisting of nine people, in Christiansburg during the year 2006, and there are currently five families on the waiting list for assistance. There are three basic criteria used in determining eligibility for the program: (1) Clients must have had past self-sufficiency; (2) Clients must have a valid reason for existing financial problems; and (3) Clients must have good, future prospects. The program assists participants, up to nine months, with mortgage or rent payments, and also helps the individuals determine long-term goal plans. Ms. Ruthlandt said the Homeless Intervention Program spent eight thousand two hundred dollars (\$8,200.00) for client services in Christiansburg last year. Ms. Ruthlandt respectfully requested Town Council consider granting a six thousand dollar (\$6,000.00) contribution to the Homeless Intervention Program in its 2007-2008 fiscal year budget. Mayor Ballengee turned the request over to the Finance Committee for its review and recommendation.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION’S RECOMMENDATION:

1. A Conditional Use Permit request by Dennis and Vanessa Bartley for residential use on Shaffer Drive (a 0.23 acre portion of tax parcel 497 – ((A)) – 229; Lot 2 in the recently approved “Plat Showing Subdivision of Lot 4 “Harry Schaeffer’s Lots”, unrecorded for Robert Wayne and Pamela R. Miller”) in the B-3 General Business District. Councilman Wade made a motion to accept the Planning Commission’s recommendation to issue the Conditional Use Permit with one condition. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REQUEST TO VACATE 15-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS ON YELLOW SULPHUR ROAD – Councilman Barber made a motion to vacate the 15-foot public utility and drainage easements, with Verizon retaining ownership of the existing utilities located in the easements. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None. ABSTAIN: Canada.

CLOSED MEETING:

1. Request for a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters – Chief of Police. On motion by Councilman Wade, seconded by Councilman Barber, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Upon a motion by Councilman Canada, seconded by Councilman Barber, Mayor Ballengee declared Council out of Closed Meeting and into Regular Session. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. CERTIFICATION – Councilwoman Carter moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member’s knowledge, discussed only the personnel and legal matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. Councilman Stipes seconded the certification and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
4. COUNCIL ACTION ON THE MATTER – Councilman Barber made a motion to accept the three final candidates, to be interviewed by Town Council, as recommended by the Police Chief Search Committee. The motion was seconded by Councilman Canada. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Councilman Wade made a motion to set March 16, 2007 as the interview date. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Wade, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid 10 March, 2007, in the amount of \$1,101,645.07. AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY clarified that, per the Director of the New River Valley Airport, the nine thousand eight hundred dollar (\$9,800.00) funding request (Christiansburg's portion of a 2% federal grant match), is not in addition to Christiansburg's annual contribution to the New River Valley Airport, of ten thousand dollars (\$10,000.00), as presented to Council at the February 20, 2007 meeting, but is actually included in the annual contribution amount. If Christiansburg contributes ten thousand dollars (\$10,000.00) to the airport in its 2007-2008 fiscal year budget, as it has done in the past, that amount will cover the requested federal grant match. The Director did emphasize that it is important that the airport have a commitment from the Town by June, so it can meet the federal requirements for the grant. It is the consensus of Town Council to commit to a ten thousand dollar (\$10,000.00) contribution to the New River Valley Airport in its 2007-2008 fiscal year budget.

MAYOR BALLENGEE said that, while attending the VML Newly Elected Mayor conference, he learned that Virginia recommends that each locality adopt a Code of Ethics to be used as a guideline for Town Councilmembers. He is currently drafting a Code of Ethics and will bring it before Council for adoption in the near future.

COUNCILMAN CANADA asked Town Attorney Waddell if she could supply Council with a video of the guidelines for the Conflict of Interest Act. Town Attorney Waddell said she would get a copy of the guidelines for Council's use.

TOWN MANAGER TERPENNY said that the Christiansburg Rescue Squad is currently re-writing its by-laws and, in light of past issues, if Council is interested in adding something to the by-laws giving the Town authority over the rescue squad, now is the time to address the matter. The rescue squad has always acted as a separate department; however, State law addresses a volunteer rescue squad as an instrumentality of local government, supported by the local government, not a department of the local government. Town Council agreed that this should be considered and directed Manager Terpenny to forward the matter to Town Attorney Jim Guynn.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 8:57 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor